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September 10, 2002

BY FAX AND U.S. MAIL

Robert T. Witthauer
Deputy Corporate Counsel
Fibertech Networks, LLC
140 Allens Creek Road
Rochester, NY 14618

Re: Fiber Technologies Networks, LLC v. Verizon New England, et al.;
D.T.E. Docket No. 02-47

Dear Robert:

I write regarding Fibertech's First Set of Discovery Requests to Verizon New England Inc., d/b/a Verizon Massachusetts ("Verizon MA"), dated September 6, 2002, which we received on September 9, 2002. Those Requests are not authorized by any relevant rule or regulation, and Verizon MA does not intend to take any action at this time to respond to the Requests.

The Department's regulations which govern this matter, 220 CMR 45.00 et seq., do not provide for discovery by the parties. Although 220 CMR 1.06 (referenced in Fibertech's Requests) provides for discovery, the procedures of §1.06 do not apply to pole attachment disputes until and unless a party requests "and is granted" a hearing. See 220 CMR 45.06(1). The Department has taken no action to date on this matter, and Verizon MA has requested in its Answer that the Department dismiss the Complaint. Until the Department determines whether it will proceed to hear the matter, the scope of the issues it will examine, and sets a schedule for the orderly processing of its investigation, Fibertech's discovery requests are premature. Verizon MA will respond at the appropriate time to discovery requests timely served by Fibertech, in accordance with the procedures set by the Department should it determine to proceed.



ROBERT I. WITTMANER, ESQ.

September 10, 2002

Page 2

Please feel free to call me if you would like to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Moore", with a long horizontal flourish extending to the right.

Alexander W. Moore

cc: Mary L. Cottrell, Secretary
Lisa Brodeur-McGan, Esq.
Jesse Reyes, Esq.



**Northeast
Utilities System**

107 Selden Street, Berlin, CT 06037

Northeast Utilities Service Company
P. O. Box 270
Hartford, CT 06147-0270
Phone: (860) 665-5513
Fax: (860) 665-5504

September 18, 2002

Stephen Gibelli
Counsel

Mary L. Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, Massachusetts 02110

RE: Fiber Technologies Networks, L.L.C. v. Verizon New England and Northeast Utilities Service Company

D.T.E. 02-47

Dear Ms. Cottrell:

On September 9, 2002, Western Massachusetts Electric Company ("WMECO") received Fibertech Networks, L.L.C.'s ("Fibertech") First Set of Discovery Requests Propounded to WMECO in the above-referenced proceeding. Fibertech seeks responses from WMECO to these requests "pursuant to 220 CMR § 1.06 within ten (10) days unless the ground rules issued by the Department in this matter provide otherwise."

Please be advised that WMECO believes it is inappropriate to respond to these requests at this time. First, a matter filed by WMECO addressing similar issues is currently before the Superior Court of Hampden County. The judge in the Superior Court matter has already issued a ruling granting WMECO's request for a preliminary injunction and has issued a tracking order setting the deadlines for the various stages of litigation. In addition, WMECO currently has a request for dismissal pending in this matter before the Department in this D.T.E. 02-47 proceeding.

If you have any further questions or concerns, feel free to contact myself or Stephen Kliensky 617-748-5140.

Sincerely,

Stephen Gibelli, Counsel
Northeast Utilities Service Company



c: Lisa Brodeur-McGan
Keefe Clemons
Kimberly Collins
Cameron F. Kerry
Patrick O'Toole
Jesse Reyes
Charles B. Stockdale
Robert T. Witthauer
